

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-5 are currently pending. No claims are amended in this paper.

### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-5 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,388,714 to Schein et al. (hereinafter, merely "Schein") in view of U.S. Patent No. 6,462,778 to Abram et al. (hereinafter, merely "Abram").

### **III. RESPONSE TO REJECTIONS**

Applicants respectfully submit that this application is patentable under 35 U.S.C. §103(c)-"subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f) and (g) of 35 U.S.C. §102, shall not preclude patentability under §103 where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person or organization."

Applicants submit that Abram qualifies as prior art only under 35 U.S.C. §102(e).

This application was filed on November 29, 2001, which claims priority to Japanese Patent Application JP2000-365606 filed on November 30, 2001. This application is assigned to Sony Corporation.

Abram was filed on February 26, 1999 and granted a patent on October 8, 2002. Abram is assigned to Sony Corporation and Sony Electronics Inc., which is owned by Sony Corporation.

Since the date of patent of Abram is October 8, 2002, which is after this application's priority date of November 30, 2001, Abram does not qualify as prior art under 35 U.S.C. §102(a) or 102(b).

Applicants respectfully submit that Abram qualifies as a prior art only under 35 U.S.C. §102(e) and is also owned by Sony Corporation. Therefore, under the provision of 35 U.S.C. §103(c), this application is patentable.

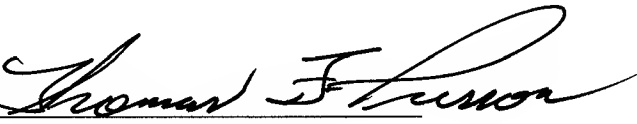
### **CONCLUSION**

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By   
Thomas F. Presson  
Reg. No. 41,442  
(212) 588-0800